

APPROVED MINUTES
FLATHEAD COUNTY BOARD OF ADJUSTMENT
January 3, 2023

Note: These minutes are paraphrased to reflect the proceeding of the Flathead County Board of Adjustment meeting, per MCA 2-3-212

A meeting of the Flathead County Board of Adjustment was called to order at approximately 6:00 p.m. at the 2nd Floor Conference Room of the South Campus Building, 40 11th Street West, Suite 200, Kalispell, Montana. Board members present were Cal Dyck, Tom Davis, Jim Dyon, and Roger Noble. Tobias Leichti had an excused absence. Erik Mack, Larissa Van Riet, and Erin Appert represented the Flathead County Planning & Zoning Office.

There were 4 members of the public in attendance at the meeting.

[06:00:03 PM \(00:00:02\)](#)

A. Call to order and roll call.

[Citizen Member - Cal Dyck: Present](#)

[Citizen Member - Jim Dyon: Present](#)

[Citizen Member - Roger Noble: Present](#)

[Citizen Member - Tobias Leichti: Absent](#)

[Citizen Member - Tom Davis: Present](#)

[06:00:45 PM \(00:00:44\)](#)

B. Approval of the December 6, 2022 meeting minutes

[Citizen Member - Tom Davis: Motion](#)

[Citizen Member - Jim Dyon: 2nd](#)

[Citizen Member - Cal Dyck: Approve](#)

[Citizen Member - Jim Dyon: Approve](#)

[Citizen Member - Roger Noble: Abstain](#)

[Citizen Member - Tobias Leichti: Absent](#)

[Citizen Member - Tom Davis: Approve](#)

[06:01:23 PM \(00:01:22\)](#)

C. Election of Officers

Board tabled election of Officers until a full Board is present.

[06:01:38 PM \(00:01:37\)](#)

D. Public comment on public matters that is within the jurisdiction of the Board (2-3-103 M.C.A.)

E. Public Hearings:

[06:02:36 PM \(00:02:35\)](#)

1. [FCU-22-13](#) A request from Robert Borgen for a Conditional Use Permit for a 'Home Occupation' to allow for a welding/fabrication business on property located at 206 Sibley Road Near Kalispell, MT. The property is located within the Lower Side Zoning District and is zoned AG-80 (Agricultural). The total acreage involved in the request is approximately 30.10 acres



Staff Report



Application



Site Map

Larissa Van Riet reviewed Staff Report FCU-22-13 for the Board.

Applicant Comment:

Robert Borgen, 206 Sibley Ln., explained elevation change from structure to slough is probably 30 to 35 feet, potentially a little higher than that. Most of work completed is commercial work. They go to their customers the customers don't come to them. Most of their traffic will be steel coming in and steel going out. Discussed facilities in the new structure to include employee restroom, offices, and breakroom.

Agency Comment: None

Public Comment: None

[06:23:40 PM \(00:23:39\)](#)

Motion to Adopt Staff Report FCU-22-13 as Findings-of-Fact with modifications to findings #4

[Citizen Member - Roger Noble: Motion](#)

[Citizen Member - Tom Davis: 2nd](#)

[Citizen Member - Cal Dyck: Approve](#)

[Citizen Member - Jim Dyon: Approve](#)

[Citizen Member - Roger Noble: Approve](#)

[Citizen Member - Tobias Liechti: Absent](#)

[Citizen Member - Tom Davis: Approve](#)

[06:26:12 PM \(00:26:11\)](#)

Motion to approve FCU-22-13 with additional conditions

[Citizen Member - Roger Noble: Motion](#)

[Citizen Member - Jim Dyon: 2nd](#)

[Citizen Member - Cal Dyck: Approve](#)

[Citizen Member - Jim Dyon: Approve](#)

[Citizen Member - Roger Noble: Approve](#)

[Citizen Member - Tobias Liechti: Absent](#)

[Citizen Member - Tom Davis: Approve](#)

[06:27:51 PM \(00:27:50\)](#)

The Board took a short recess to read the written comments for FCU-22-14 that were received after packets were sent .

[06:34:01 PM \(00:28:05\)](#)

2. FCU-22-14 A request from Charles & Geraldine Sunderlin for a Conditional Use Permit for a 'Home Occupation' to allow for a gunsmith business on property located at 181 Black Bear Lane, Bigfork, MT. The property is located within the Echo Lake Zoning District and is zoned SAG-5 (Suburban Agricultural). The total acreage involved in the request is approximately 7.82 acres



[Staff Report](#)



[Application](#)



[Site Map](#)



[Supplemental Document](#)

Erin Appert reviewed Staff Report FCU-22-14 for the Board.

Applicant Comment:

Charles and Geraldine Sunderlin, 183 Black Bear Lane, restated the reason for application. They are a small artisan craft business. There will be labor of gunsmithing only no retail sales from the property. Spoke to some of the Public Comment concerns. There will not be a public gun range on the property. There will be a firing crib for test firing of guns. Not every gun is test fired, only those being repaired. Guns are tested for

safety, reliability and consistency. Purpose is to see if the gun functions properly following repair. There will not be a large volume of gun fire. There are three other private gun ranges on the street. The proposed business will have no noticeable effect on the neighborhood sound signature. Restated that guns are not manufactured on the premises, only serviced. Gunsmithing is repairing, restoring, refurbishing or upgrading a firearm per customers request. There will be no regular employees living on the premises. Outside help would be one outside person to cover should Geraldine or Charles be sick. Geraldine runs the business and Charles does the gunsmithing. They have had gunsmithing permits in other states such as: Virginia, Idaho, Utah, Oregon and now Montana. Each state has required a Conditional Use Permit. They will monitor daily traffic to make sure that they are within their limits. Will apply for a Federal Firearm License if Conditional Use Permit is approved. Working with an engineer to rewrite COSA. Classes held on premises will be firearm handling safety. There will be no discharging of firearms. Classroom instructions will make up only about 2.5% of business. Spoke to Hazardous Material handling and safety.

Public Agency: None

Public Comment:

Christina Kirven, 163 Black Bear Lane, spoke in opposition. Concerned about property value. She chose the location of her home in a quiet country neighborhood. This proposal will ruin that setting. Concerned that the gun discharging (testing) will not be monitored. She does not wish to hear gun shots all day long. There are neighborhood children playing outside nonstop, this could create a safety issue. Class sizes stated to be 5 people in the proposal. The classroom is large enough that it can hold up to 20 or 30 people. Who will monitor class sizes? The increased traffic on the private road will cause an increase in dust. Does the County have the right to approve traffic for a business on a private road? Concerned that she was not notified of this potential business when it is located on her street. Fire danger is a real concern, all it takes is a spark to start a fire.

Applicant Rebuttal: Sunderlin referenced the Staff Report and that the traffic on the road may increase by 10%. The road already has three separate private businesses located on it. Aware of fire danger and looking at ways to mitigate the fire danger concerns. Charles is certified as a Chief Range Safety Officer.

[07:24:11 PM \(01:18:16\)](#)

Motion to Adopt Staff Report FCU-22-14 as Findings-of-Fact

[Citizen Member - Tom Davis: Motion](#)

[Citizen Member - Cal Dyck: 2nd](#)

[Citizen Member - Cal Dyck: Approve](#)

[Citizen Member - Jim Dyon: Approve](#)

[Citizen Member - Roger Noble: Approve](#)

[Citizen Member - Tobias Liechti: Absent](#)

[Citizen Member - Tom Davis: Approve](#)

[07:24:40 PM \(01:18:44\)](#)

Motion to recommend approval of FCU-22-14 with modification to condition #7 and additional conditions

[Citizen Member - Tom Davis: Motion](#)

[Citizen Member - Roger Noble: 2nd](#)

[Citizen Member - Cal Dyck: Approve](#)

[Citizen Member - Jim Dyon: Approve](#)

[Citizen Member - Roger Noble: Approve](#)

[Citizen Member - Tobias Liechti: Absent](#)

[Citizen Member - Tom Davis: Approve](#)

[07:29:39 PM \(01:23:43\)](#)

F. Old Business

Short Term Rentals are waiting for Planning Board to talk about amendment for the Short-Term Rental Section. No timeline at this time.

The Board in the past has come up with conditions that they use each time for Short Term Rentals. The last couple have not included these conditions and they have had to add them. Can they be added to the short-term rental conditions automatically? Erik Mack stated that the Planners are just not use to adding them but we can start adding them.

Can slough elevations be added to the Staff Report. Can they have a more detailed map? Erik Mack stated that they would have to hire a surveyor and shooting elevation. It is not required for Conditional Use Permits.

[07:32:51 PM \(01:26:55\)](#)

G. New Business

New Board Secretary and new Planner.

[07:33:17 PM \(01:27:22\)](#)

H. Adjournment

Approved on 3/07/2023 on a Roll Call Vote 3 to 1 – Liechti abstained.